

In the Matter of)
RF DATA INC.)
Station WPVS899, Plainview, New York)
Request for Cancellation of License)

3908

4. *Discussion.* Section 90.157 of the Commission's Rules provides that a license for a private land mobile radio station cancels automatically upon discontinuance of operation for a period of one year or more.⁸ The information provided in the Telecom Request is persuasive evidence supporting Telecom's claim that Station WPVS899 is not in operation and that its authorization cancelled automatically due to a permanent discontinuance of service.⁹ In addition, RF Data's failure to respond to the Division Letter presumptively indicates that the station is not constructed or operational.¹⁰ Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the license for Station WPVS899.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.157 of the Commission's Rules, 47 C.F.R. § 90.157, the Request for Cancellation of License filed by Telecom Communications, Inc. on January 20, 2011 IS GRANTED, and the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WPVS899.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. § 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁸ See 47 C.F.R. § 90.157(a).

⁹ See, e.g., National Ready Mixed Concrete Co., *Memorandum Opinion and Order*, 23 FCC Rcd 5250, 5253-54 ¶ 11 (2008) (explaining that "an undisputed statement from the site owner/manager that the putative licensee no longer maintains a transmitter at the authorized site" is sufficient to demonstrate permanent discontinuance of station operations under Section 90.157).

¹⁰ See, e.g., Milton H. Pintell, *Order on Reconsideration*, 20 FCC Rcd 19315, 19316 ¶ 5 (WTB PSCID 2005).